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Driggs, Hogg, Daugherty & Del Zoppo Co., L.P.A.
38500 CHARDON ROAD
DEPT. IRA
WILLOUGBY HILLS, OH 44094

EXAMINER	
ZECHER, CORDELIA P K	

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usptocommunications@driggslaw.com
carole@driggslaw.com
alicia@driggslaw.com

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte SANTOSH P. GAUR and
WILLIAM ERIC HALL

Appeal 2009-014482
Application 10/790,966
Technology Center 2400

Before JEFFREY S. SMITH, DAVID M. KOHUT, and ERIC B. CHEN, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

DECISION ON APPEAL

STATEMENT OF THE CASE

This is an appeal under 35 U.S.C. § 134(a) from the Examiner's final rejection of claims 1-26, which are all the claims pending in the application. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

Invention

Appellants' invention relates to a system for secure data transfer over a network. The system for secure data transfer over a network includes memory and a memory controller configured to transfer data received from the network to the memory. The system includes a processor, having logic configured to retrieve a portion of the data from the memory using the memory controller. The processor also includes logic configured to perform security operations on the retrieved portion of the data, and logic configured to store the operated-on portion of the data in the memory using the memory controller. The memory controller is further configured to transfer the operated-on portion of the data from the memory to the network. Abstract.

Representative Claim

1. A system for secure data transfer over a network, the system comprising:

memory;

a memory controller configured to transfer data received from the network to the memory;

a network interface coupled to the memory controller, the network interface comprising:

a first data moving unit (DMU) configured to exchanged secure data with a first portion of the network;

a second DMU configured to exchanged non-secure data with a second portion of the network; and
a processor coupled to the memory controller, the processor including:

logic configured to identify information flow of the data in the memory;

logic configured to identify a priority of the identified information flow;

logic configured to retrieve a portion of the data from the memory using the memory controller based on the identified priority;

logic configured to perform security operations on the retrieved portion of the data;

logic configured to store the operated-on portion of the data in the memory using the memory controller;

logic configured to queue data for transfer based on the identified priority and logic configured to discard portions of data associated with a particular information flow based on the identified priority;

wherein the memory controller is further configured to transfer the operated-on portion of the data from the memory to the network, wherein portions of the data having higher priority information flow are retrieved before portions of the data having lower priority information flow based on the identified priority, wherein the priority of information flow is independent of an order in which the data is stored in the memory and any contentions for memory.

Prior Art

Trost	US 4,627,018	Dec. 2, 1986
Nozawa	US 5,235,641	Aug. 10, 1993
Noehring	US 2002/0188871 A1	Dec. 12, 2002
Ganesan	US 2003/0069973 A1	Apr. 10, 2003
Kocaman	US 2004/0030513 A1	Feb. 12, 2004

Examiner's Rejections

Claims 1, 2, 4-7, 9, 12-16, and 20-25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Noehring and Ganesan.

Claim 3 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Noehring, Ganesan, and Kocaman.

Claims 8, 17, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Noehring, Ganesan, and Nozawa.

Claims 10, 11, 18, and 19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Noehring, Ganesan, and Trost.

Claim Groupings

Based on Appellants' arguments in the Appeal Brief, we will decide the appeal on the basis of claim 1.

ISSUE

Did the Examiner err in finding that the combination of Noehring and Ganesan teaches "logic configured to discard portions of data associated with a particular information flow based on the identified priority" and "the priority of information flow is independent of an order in which the data is stored in memory," as recited in claim 1?

ANALYSIS

The Examiner finds that paragraph 128 of Ganesan teaches classifying packets, where the classes correspond to "identified priority." The packets are placed into queues corresponding to their respective class. If a queue for a class becomes full, packets are dropped, thus teaching "portions of data" that are discarded "based on the identified priority." *See* Ans. 4, 11.

Appellants argue that paragraph 128 of Ganesan does not teach discarding packets from the queues of any traffic class. App. Br. 7; Reply Br. 2. However, this argument is inconsistent with the teaching of selective-drop algorithm taught in paragraph 128 of Ganesan which drops traffic to control bandwidths. Appellants have not presented evidence or persuasive argument to rebut the Examiner's finding that the selective drop algorithm of Ganesan teaches discarding packets from the queues of the several classes.

Appellants also argue that if packets are dropped, the packets are dropped depending on the order of the packet within the queue, such as oldest or last under on first-in-first-out policies, which teaches away from "priority of information flow independent of an order in which the data is stored in memory." Reply Br. 2. However, the "priority" recited in claim 1 corresponds to each class taught by Ganesan. The class, or "priority," of a packet is independent of an order in which the packet is stored in memory.

We agree with the findings of fact made by the Examiner in the Final Rejection and the Examiner's Answer. We adopt as our own (1) the findings and reasons set forth by the Examiner in the action from which this appeal is taken and (2) the reasons set forth by the Examiner in the Examiner's Answer in response to Appellants' Appeal Brief. We concur

with the conclusion reached by the Examiner for the reasons given by the Examiner in the Final Rejection and the Examiner's Answer.

We sustain the rejection of claims 1-26 under 35 U.S.C. § 103.

CONCLUSION

The Examiner did not err in finding that the combination of Noehring and Ganesan teaches "logic configured to discard portions of data associated with a particular information flow based on the identified priority" and "the priority of information flow is independent of an order in which the data is stored in memory" as recited in claim 1.

DECISION

The rejection of claims 1, 2, 4-7, 9, 12-16, and 20-25 under 35 U.S.C. § 103(a) as being unpatentable over Noehring and Ganesan is affirmed.

The rejection of claim 3 under 35 U.S.C. § 103(a) as being unpatentable over Noehring, Ganesan, and Kocaman is affirmed.

The rejection of claims 8, 17, and 26 under 35 U.S.C. §103(a) as being unpatentable over Noehring, Ganesan, and Nozawa is affirmed.

The rejection of claims 10, 11, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over Noehring, Ganesan, and Trost is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a). *See* 37 C.F.R. § 41.50(f).

AFFIRMED

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